

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK ALLEN,)
)
Plaintiff,)
)
v.) 1:19CV766
)
JENNIFER ELWELL, et al.,)
)
Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 29, 2021, was served on the parties in this action. (Text Order and Recommendation dated Sept. 28, 2021; Doc 17.) Plaintiff objected to the Recommendation. (Doc. 18.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Amended Complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii), except the claim against Defendant Jennifer Elwell under 42 U.S.C. § 1983 for violation of the Due Process Clause of the Fourteenth Amendment based on her alleged intentional preparation of a false

laboratory report as to the presence of blood on the underwear of the victim resulting in Plaintiff's conviction.

/s/ Thomas D. Schroeder
United States District Judge

October 6, 2021